

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEJANDRO MARCIAS BARAJAS,

Petitioner,

-against-

SUPERINTENDENT, OF FIVE POINTS
CORRECTIONAL FACILITY; LETISHA
JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK DEPT. OF LAW THE
CAPITOL,

Respondents.

21-CV-6766 (LTS)

ORDER DIRECTING ORIGINAL
SIGNATURES

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner brings this action *pro se*. Petitioner submitted the petition and the application to proceed *in forma pauperis* (IFP) without signatures. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name – or by a party personally if the party is unrepresented.” *See also* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Petitioner is directed to resubmit the signature pages of the complaint and the IFP application with original signatures to the Court within thirty days of the date of this order. A copy of each signature page is attached to this order.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. No answer shall be required at this time. If Petitioner complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: August 13, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

Pension	0	N/A
Veterans and/or active service benefits	0	N/A
Welfare or SSI	0	N/A
Alimony or support	0	N/A
Rental income	0	N/A
Other	0	N/A
TOTAL	0	N/A

B. ASSETS

Savings, checking trust accounts	0	N/A
Location of same	0	N/A
Cash on hand	0	N/A
Vehicle owned	0	N/A
value	N/A	N/A
amt.owing	N/A	N/A
Real estate owned: description	0	N/A
value	N/A	N/A
amt.owing	N/A	N/A
Other	0	N/A
TOTAL	0	N/A

C. PRESENT OBLIGATIONS:

Rent/Mortgage	0	N/A
Alimony/Support	0	N/A
Medical	0	N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

Alejandro Marcias Barajas

14. Petitioner, being represented in the following stages;

- a) At preliminary hearing; Legal Aid Society
- b) At arraignment; Ramond Volper.(Raymond)
- c) At trial; Mr. Raymond Volper.
- d) At sentencing; Mr. Raymond Volper.
- e) On appeal, No Assigned attorney (no notice of appeal was filed).
- f) Post-conviction- filed Article §440,of CPL.

15. Petitioner,was sentenced upon a Eight(8)count indictment

16. Petitioner, does not have any future sentence to serve after completion of sentence imposed by the judgment under attack. (a-c N/A)

Wherefore, Petitioner prays that the Court Grant Petitioner relief to which Petitioner, may be entitled in this proceedings.

I declare under the penalty of perjury that foregoing is true and accurate to the best of my knowledge.

Dated: Five Points Correctional Facility

2021

Alejandro Marcias-Barajas